



Order Filed on October 27, 2017
by Clerk U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

HERBERT B. RAYMOND, ESQ.
ATTORNEYS AT LAW
7 GLENWOOD AVENUE, 4TH FLOOR
EAST ORANGE, NEW JERSEY 07017
TELEPHONE (973) 675-5622
TELEFAX (408) 519-6711
VOICEMAIL (815) 642-4613
Email: bankruptcy123@comcast.net
HERBERT B. RAYMOND, ESQ.
JEFFREY M. RAYMOND, ESQ.
KEVIN DELYON, ESQ.
ATTORNEYS FOR THE DEBTOR(S)

In Re:

MARIE R. ST-PHARD, DEBTOR(S)

Case No.: 17-12633 (JKS)

Adv. No.:

Hearing Date: N/A

Judge: JOHN K. SHERWOOD

ORDER AUTHORIZING LOAN
MODIFICATION AND FOR OTHER RELIEF

The relief set forth on the following pages, two (2) through four (4) is
hereby ORDERED:

DATED: October 27, 2017



Honorable John K. Sherwood
United States Bankruptcy Court

Page 2

Debtor: Marie R. ST-Phard, Debtor(s)

Case no.: 17-12633 JKS

Caption of order: Order Authorizing Loan Modification and for
Other Relief

1. That the Debtor be and is hereby authorized to enter into and consummate a loan modification with Ditech Financial, LLC, pursuant to the terms and conditions of the proposed loan modification agreement, entitled 'Modification Agreement', filed as an Exhibit in support of this motion, relating to real property located at 762-764 Stuyvesant Avenue, Irvington, New Jersey, and the loan modification be and is hereby approved.

2. That the Debtor and/or Ditech Financial, LLC, be and are authorized to enter and consummate any transaction necessary and incident to the loan modification relating to this property, the sole exception being the transfer of the property or an interest in the property by the Debtor(s) to someone else.

a. Limited automatic stay relief is granted, to allow Ditech Financial, LLC, to negotiate any such agreement with the Debtor or counsel, enter into and sign a loan modification agreement, and record any documents with the appropriate county recorders office without such action being considered a violation of the automatic stay.

3. That the Debtor and/or Ditech Financial, LLC, are authorized to negotiate and prepare the terms or documents relating to a loan modification, or any necessary transaction incident to a loan modification agreement, such as, but not

Page 3

Debtor: Marie R. ST-Phard, Debtor(s)

Case no.: 17-12633 JKS

Caption of order: Order Authorizing Loan Modification and for
Other Relief

limited to the circumstances described above, with respect to
this property and any such negotiation and/or preparation of
documents and/or recording of documents, by the parties shall
not considered to be a violation of the automatic stay and are
specifically authorized by the Court.

4. That any communication by the parties relating to the
loan modification shall be considered to be negotiations,
pursuant to the Rules of Evidence, and shall not be used by
either party against the other in the context of any subsequent
litigation in this Court or any state court, federal court or
non-judicial forum.

5. That nothing in this order shall be construed as a
modification of the plan.

6. That the mortgage company and/or mortgage servicer may
not persuade the Debtor(s) to dismiss this case in order to
consummate a loan modification.

7. That because the mortgage is being modified and the pre-
petition arrears are being addressed in the new mortgage, the
pre-petition arrearage claim, filed by Ditech Financial, LLC, or
its predecessors, assignees or successor in interest, as claim
number six on the claims register, shall not be paid and the
Trustee shall not make any payments/disbursements on any pre-

Page 4

Debtor: Marie R. ST-Phard, Debtor(s)

Case no.: 17-12633 JKS

Caption of order: Order Authorizing Loan Modification and for
Other Relief

petition arrearage claim. If the modification is not consummated
for any reason, Ditech Financial, LLC, may, at any time during
the pendency of this case, re-list the matter for further
hearing, otherwise, this order shall be deemed final.

Certificate of Notice Page 5 of 5
United States Bankruptcy Court
District of New Jersey

In re:
Marie R ST-Phard
Debtor

Case No. 17-12633-JKS
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Oct 27, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 29, 2017.

db Marie R ST-Phard, 762-764 Stuyvesant Avenue, Irvington, NJ 07111

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 29, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 27, 2017 at the address(es) listed below:

Brian C. Nicholas on behalf of Creditor DITECH FINANCIAL LLC bnicholas@kmlawgroup.com,
bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Loss Mitigation Ditech Financial, LLC. dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Herbert B. Raymond on behalf of Debtor Marie R ST-Phard bankruptcyl23@comcast.net,
jeff.raymond@comcast.net; raymondmail@comcast.net; carol-raymond@comcast.net; bankruptcyattorneys@comcast.net; herbertraymond@gmail.com; carbonell_c@hotmail.com; kdelyon.raymond@gmail.com
Marie-Ann Greenberg magecf@magtrustee.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5